

**To:** Kivowitz, Sharon[Kivowitz.Sharon@epa.gov]  
**Cc:** Mannino, Pietro[Mannino.Pietro@epa.gov]  
**From:** LaPoma, Jennifer  
**Sent:** Thur 2/11/2016 7:08:07 PM  
**Subject:** RE: NCHGW Settlement Agreement  
[NCHGW OU1 ROD Figure 2.pdf](#)  
[NCHGW OU1 ROD Figure 1.pdf](#)

Hey Sharon,

I want to use the attached ROD Figure 2 as Appendix 2 (figure of OU1 plumes) and ROD Figure 1 as Appendix 4 (figure of site). This is a change from the figures I said we will use in a 1/26 email.

The only other thing I want to point out is that in the definition of the plumes, it says:

“Central Plume” shall mean the area of groundwater contamination identified on Appendix 2 as Central Plume and all areas to which contamination has migrated therefrom within the limits of OU1 as set forth on Appendix 2.

ROD Figure 2 is the figure that labels the plumes as eastern, central, and western so it makes sense to reference this figure in the definition. My concern is that ROD Figure 2 doesn't clearly show the limits of OU1 as suggested in the plume definition above. The eastern edge of the OU1 limit is cut off in that figure. ROD Figure 1 (which is Appendix 4) is the site figure and has a clearer OU1 boundary depicted.

So, I'm wondering if we refer to both figures in the definition. OR if you think it would be ok to just use ROD Figure 2 despite the OU1 boundary is cut off.

If it is easier, I can stop by and explain this with the figures in front of us.

Thanks,  
Jen

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**From:** Kivowitz, Sharon  
**Sent:** Wednesday, February 10, 2016 2:13 PM  
**To:** LaPoma, Jennifer <LaPoma.Jennifer@epa.gov>  
**Cc:** Mannino, Pietro <Mannino.Pietro@epa.gov>  
**Subject:** RE: NCHGW Settlement Agreement

I'm not sure from your comment on the document which of these maps you want to use. Let's discuss.

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**From:** LaPoma, Jennifer  
**Sent:** Wednesday, February 10, 2016 1:26 PM  
**To:** Kivowitz, Sharon <Kivowitz.Sharon@epa.gov>  
**Cc:** Mannino, Pietro <Mannino.Pietro@epa.gov>  
**Subject:** RE: NCHGW Settlement Agreement

Sharon – Attached are my comments on the revised draft Settlement Agreement.

I've also attached the figures that are referenced. See my comment on the central plume definition for my discussion on why I am attaching these figures.

ROD Figure 1 – Site Figure – has OU1 marked  
ROD Figure 2 – Nature and Extent  
ROD Figure 3 – Selected Remedy – Conceptual Design (I don't believe this one is referenced)

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**From:** Kivowitz, Sharon  
**Sent:** Monday, February 08, 2016 10:00 AM  
**To:** Doyle, James <Doyle.James@epa.gov>; Mannino, Pietro <Mannino.Pietro@epa.gov>; LaPoma, Jennifer <LaPoma.Jennifer@epa.gov>

**Subject: NCHGW Settlement Agreement**

Here is the revised settlement agreement as per our discussion on Thursday. FYI – I've discussed tolling agreements with Sandra Levy and she needs to get approval from main Justice for any kind of extended tolling agreement. I told her about Sealand. She also just did one in a Forest Service case that tolled the SOL until a certain event happened so she thinks she will be able to convince Justice of the need for something like that in this case. Mark Gallagher is the Main Justice attorney assigned to the enforcement side of this case so that is good. Jim – was Mark the Justice attorney in Sealand? Sandra thought he may have been. I will keep you posted.

Also, I have an appointment to speak with David Batson tomorrow afternoon so hopefully we will have something to tell him about the tolling agreement by then.

In any event, please review the agreement and get back to me asap. After you all review I will send to Tom and Nickie.  
Sharon

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